

SENATE BILL 672

F1

5lr1335
CF 5lr0331

By: **Senators Young and Nathan-Pulliam**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Student Diabetes Management Program**

3 FOR the purpose of requiring the State Department of Education and the Department of
4 Health and Mental Hygiene, in consultation with certain other organizations, to
5 establish certain guidelines for the training of trained diabetes care providers;
6 providing for the content of the guidelines; requiring each county board of education
7 to require certain public schools to establish a certain Student Diabetes Management
8 Program in the school; providing that certain nonpublic schools may establish a
9 Student Diabetes Management Program in the school; providing that a nonpublic
10 school may conduct or contract for a course for training trained diabetes care
11 providers that includes certain items; providing for the purpose and requirements of
12 the Program; authorizing certain employees to volunteer for participation in a
13 certain Program; prohibiting public and nonpublic schools from compelling certain
14 employees to participate in a certain Program; requiring certain trained diabetes
15 care providers in the Program to perform certain tasks; providing that certain
16 services performed by certain trained diabetes care providers may not be construed
17 as performing acts of nursing under certain circumstances; establishing immunity
18 from liability for certain employees under certain circumstances; requiring certain
19 parents or guardians of a certain student to submit a Diabetes Medical Management
20 Plan to the school under certain circumstances; requiring a certain meeting of
21 certain individuals be held within a certain period of time; authorizing a certain
22 student to perform certain diabetes care tasks under certain circumstances in
23 accordance with a certain Plan; defining certain terms; and generally relating to a
24 Student Diabetes Management Program and public and nonpublic schools.

25 BY adding to

26 Article – Education

27 Section 7–437 and 7–438

28 Annotated Code of Maryland

29 (2014 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Education**

4 **7-437.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “DIABETES MEDICAL MANAGEMENT PLAN” MEANS A PLAN
8 DEVELOPED BY A STUDENT’S PHYSICIAN THAT DESCRIBES THE HEALTH CARE
9 SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT’S
10 DIABETES AT SCHOOL.

11 (3) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A
12 LOCAL BOARD OF EDUCATION, INCLUDING PART-TIME EMPLOYEES, CERTIFIED AND
13 NONCERTIFIED SUBSTITUTE TEACHERS EMPLOYED BY THE LOCAL BOARD OF
14 EDUCATION FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, AND ADMINISTRATIVE
15 STAFF.

16 (4) “PROGRAM” MEANS A STUDENT DIABETES MANAGEMENT
17 PROGRAM.

18 (5) “TRAINED DIABETES CARE PROVIDER” MEANS AN EMPLOYEE
19 TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF DIABETES AND THE
20 ADMINISTRATION OF HEALTH CARE SERVICES NEEDED BY AN INDIVIDUAL WITH
21 DIABETES.

22 (B) (1) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND
23 MENTAL HYGIENE, IN CONSULTATION WITH THE AMERICAN ASSOCIATION OF
24 DIABETES EDUCATORS, THE AMERICAN DIABETES ASSOCIATION, THE MARYLAND
25 ASSOCIATION OF SCHOOL HEALTH NURSES, AND THE DIABETES CONTROL
26 PROGRAM JOINTLY SHALL ESTABLISH GUIDELINES FOR THE TRAINING OF
27 EMPLOYEES TO BECOME TRAINED DIABETES CARE PROVIDERS.

28 (2) THE GUIDELINES SHALL INCLUDE INSTRUCTION ON:

29 (I) THE RECOGNITION AND TREATMENT OF HYPOGLYCEMIA
30 AND HYPERGLYCEMIA;

31 (II) THE APPROPRIATE ACTIONS TO TAKE WHEN BLOOD
32 GLUCOSE LEVELS ARE OUTSIDE THE TARGET RANGES DETAILED IN THE STUDENT’S
33 DIABETES MEDICAL MANAGEMENT PLAN;

1 (III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING
2 DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF
3 ADMINISTRATION;

4 (IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING,
5 KETONE CHECKING, AND RESULTS RECORDATION;

6 (V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE
7 USE OF CONTINUOUS GLUCOSE MONITORS; AND

8 (VI) ADMINISTERING GLUCAGON AND INSULIN IN ACCORDANCE
9 WITH THE STUDENT'S DIABETES MANAGEMENT PLAN AND RESULTS RECORDATION.

10 (C) (1) EACH COUNTY BOARD SHALL REQUIRE THE PUBLIC SCHOOLS
11 WITHIN THE JURISDICTION OF THE COUNTY BOARD TO ESTABLISH A STUDENT
12 DIABETES MANAGEMENT PROGRAM IN THE SCHOOL.

13 (2) THE PURPOSE OF THE PROGRAM IS TO HAVE EMPLOYEE
14 VOLUNTEERS AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO STUDENTS
15 WITH DIABETES IN ACCORDANCE WITH THE STUDENT'S DIABETES MEDICAL
16 MANAGEMENT PLAN DURING SCHOOL HOURS AND AT SCHOOL-SPONSORED
17 ACTIVITIES.

18 (D) (1) THE PROGRAM SHALL:

19 (I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING
20 TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER;

21 (II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO
22 BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A
23 SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A
24 DIABETES MEDICAL MANAGEMENT PLAN;

25 (III) DESIGNATE LOCATIONS WITHIN THE SCHOOL WHERE A
26 STUDENT MAY PRIVATELY PERFORM DIABETES CARE TASKS;

27 (IV) REQUIRE THE SCHOOL NURSE OR A TRAINED DIABETES
28 CARE PROVIDER TO BE ON-SITE AND AVAILABLE TO PROVIDE DIABETES CARE
29 SERVICES TO A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN DURING
30 SCHOOL HOURS AND AT SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS;

1 (V) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN
2 SCHOOL ADMINISTRATORS AND THE FACULTY, SCHOOL NURSE, TRAINED DIABETES
3 CARE PROVIDERS, PARENTS OR GUARDIANS OF STUDENTS WITH A DIABETES
4 MEDICAL MANAGEMENT PLAN, AND STUDENTS WITH A DIABETES MEDICAL
5 MANAGEMENT PLAN;

6 (VI) FACILITATE THE ACCESS OF AUTHORIZED SCHOOL
7 PERSONNEL TO STUDENT DIABETES MEDICAL MANAGEMENT PLANS; AND

8 (VII) ESTABLISH PROCEDURES FOR DIABETES-RELATED
9 EMERGENCIES.

10 (2) (I) ANY EMPLOYEE MAY VOLUNTEER TO PARTICIPATE IN THE
11 PROGRAM AND BE TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER.

12 (II) A PUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE TO
13 PARTICIPATE IN THE PROGRAM.

14 (3) A TRAINED DIABETES CARE PROVIDER WHO PARTICIPATES IN THE
15 PROGRAM SHALL AGREE TO PERFORM DIABETES CARE TASKS FOR WHICH TRAINING
16 HAS BEEN PROVIDED, INCLUDING:

17 (I) CHECKING AND RECORDING BLOOD GLUCOSE LEVELS AND
18 KETONE LEVELS, OR ASSISTING A STUDENT WITH THESE TASKS;

19 (II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY
20 TREATMENTS AS PRESCRIBED;

21 (III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE
22 ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THE
23 STUDENT USES; AND

24 (IV) PROVIDING ORAL DIABETES MEDICATIONS.

25 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
26 PROVISION OF DIABETES CARE SERVICES BY A TRAINED DIABETES CARE PROVIDER
27 IN ACCORDANCE WITH THIS SECTION MAY NOT BE CONSTRUED AS PERFORMING
28 ACTS OF PRACTICAL NURSING OR REGISTERED NURSING UNDER TITLE 8 OF THE
29 HEALTH OCCUPATIONS ARTICLE.

30 (5) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN
31 EMPLOYEE WHO RESPONDS IN GOOD FAITH TO PROVIDE DIABETES-RELATED
32 HEALTH CARE SERVICES TO A STUDENT IN ACCORDANCE WITH THIS SECTION IS

1 IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF
2 PROVIDING CARE.

3 (E) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO
4 NEEDS DIABETES CARE AT SCHOOL SHALL SUBMIT A DIABETES MEDICAL
5 MANAGEMENT PLAN TO THE SCHOOL.

6 (2) EACH STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN
7 SHALL BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:

8 (I) THE PARENTS OR GUARDIANS OF THE STUDENT;

9 (II) THE STUDENT;

10 (III) THE SCHOOL NURSE;

11 (IV) THE STUDENT'S CLASSROOM TEACHER;

12 (V) ALL TRAINED DIABETES CARE PROVIDERS AT THE SCHOOL
13 WHO MAY BE REQUIRED TO PROVIDE CARE TO THE STUDENT; AND

14 (VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE
15 SCHOOL.

16 (3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING
17 SHALL BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL MANAGEMENT
18 PLAN IS SUBMITTED.

19 (4) IF A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN STATES
20 THAT THE STUDENT MAY PERFORM SPECIFIED DIABETES CARE TASKS
21 INDEPENDENTLY, THE STUDENT MAY:

22 (I) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT
23 CONSIDERS NECESSARY, INCLUDING IN THE STUDENT'S CLASSROOM, THE AREA
24 DESIGNATED BY THE SCHOOL UNDER SUBSECTION (D) OF THIS SECTION, OR OFF
25 SCHOOL GROUNDS;

26 (II) POSSESS AND CARRY ANY SUPPLIES AND EQUIPMENT
27 NECESSARY TO PERFORM DIABETES CARE TASKS; AND

28 (III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE, IF
29 NECESSARY.

1 7-438.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A PLAN
5 DEVELOPED BY A STUDENT'S PHYSICIAN THAT DESCRIBES THE HEALTH CARE
6 SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT'S
7 DIABETES AT SCHOOL.

8 (3) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A
9 NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS, AND
10 SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH
11 SCHOOL YEAR, A SCHOOL NURSE, REGISTERED NURSE CASE MANAGER, DELEGATING
12 NURSE, AND ADMINISTRATIVE STAFF.

13 (4) "PROGRAM" MEANS A STUDENT DIABETES MANAGEMENT
14 PROGRAM.

15 (5) "TRAINED DIABETES CARE PROVIDER" MEANS AN EMPLOYEE
16 TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF DIABETES AND THE
17 ADMINISTRATION OF HEALTH CARE SERVICES NEEDED BY AN INDIVIDUAL WITH
18 DIABETES.

19 (B) (1) A NONPUBLIC SCHOOL MAY CONDUCT OR CONTRACT FOR A
20 COURSE FOR THE TRAINING OF EMPLOYEES TO BECOME TRAINED DIABETES CARE
21 PROVIDERS.

22 (2) A TRAINING COURSE FOR TRAINED DIABETES CARE PROVIDERS
23 SHALL INCLUDE INSTRUCTION ON:

24 (I) THE RECOGNITION AND TREATMENT OF HYPOGLYCEMIA
25 AND HYPERGLYCEMIA;

26 (II) THE APPROPRIATE ACTIONS TO TAKE WHEN BLOOD
27 GLUCOSE LEVELS ARE OUTSIDE OF THE TARGET RANGES DETAILED IN THE
28 STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN;

29 (III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING
30 DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF
31 ADMINISTRATION;

1 (IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING,
2 KETONE CHECKING, AND RESULTS RECORDATION;

3 (V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE
4 USE OF CONTINUOUS GLUCOSE MONITORS; AND

5 (VI) ADMINISTERING GLUCAGON AND INSULIN IN ACCORDANCE
6 WITH THE STUDENT'S DIABETES MANAGEMENT PLAN AND RESULTS RECORDATION.

7 (C) (1) A NONPUBLIC SCHOOL MAY ESTABLISH A STUDENT DIABETES
8 MANAGEMENT PROGRAM IN THE SCHOOL.

9 (2) THE PURPOSE OF THE PROGRAM IS TO HAVE EMPLOYEE
10 VOLUNTEERS AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO STUDENTS
11 WITH DIABETES IN ACCORDANCE WITH THE STUDENT'S DIABETES MEDICAL
12 MANAGEMENT PLAN DURING SCHOOL HOURS AND AT SCHOOL-SPONSORED
13 ACTIVITIES.

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15 (I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING
16 TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER;

17 (II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO
18 BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A
19 SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A
20 DIABETES MEDICAL MANAGEMENT PLAN THAT INCLUDES THE ITEMS UNDER
21 SUBSECTION (B)(2) OF THIS SECTION;

22 (III) DESIGNATE LOCATIONS WITHIN THE SCHOOL WHERE A
23 STUDENT MAY PRIVATELY PERFORM DIABETES CARE TASKS;

24 (IV) REQUIRE THE SCHOOL NURSE OR A TRAINED DIABETES
25 CARE PROVIDER TO BE ON-SITE AND AVAILABLE TO PROVIDE DIABETES CARE
26 SERVICES TO A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN DURING
27 SCHOOL HOURS AT SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS;

28 (V) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN THE
29 SCHOOL ADMINISTRATORS AND THE FACULTY, SCHOOL NURSE, TRAINED DIABETES
30 CARE PROVIDERS, PARENTS OR GUARDIANS OF STUDENTS WITH A DIABETES
31 MEDICAL MANAGEMENT PLAN, AND STUDENTS WITH A DIABETES MEDICAL
32 MANAGEMENT PLAN;

1 (VI) FACILITATE THE ACCESS OF AUTHORIZED SCHOOL
2 PERSONNEL TO STUDENT DIABETES MEDICAL MANAGEMENT PLANS; AND

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6 PROGRAM AND BE TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER.

7 (II) A NONPUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE
8 TO PARTICIPATE IN THE PROGRAM.

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10 PROGRAM SHALL AGREE TO PERFORM DIABETES CARE TASKS FOR WHICH TRAINING
11 HAS BEEN PROVIDED, INCLUDING:

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13 KETONE LEVELS OR ASSISTING A STUDENT WITH THESE TASKS;

14 (II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY
15 TREATMENTS AS PRESCRIBED;

16 (III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE
17 ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THE
18 STUDENT USES; AND

19 (IV) PROVIDING ORAL DIABETES MEDICATIONS.

20 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
21 PROVISION OF DIABETES CARE SERVICES BY A TRAINED DIABETES CARE PROVIDER
22 IN ACCORDANCE WITH THIS SECTION MAY NOT BE CONSTRUED AS PERFORMING
23 ACTS OF PRACTICAL NURSING OR REGISTERED NURSING UNDER TITLE 8 OF THE
24 HEALTH OCCUPATIONS ARTICLE.

25 (5) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN
26 EMPLOYEE WHO RESPONDS IN GOOD FAITH TO PROVIDE DIABETES-RELATED
27 HEALTH CARE SERVICES TO A STUDENT IN ACCORDANCE WITH THIS SECTION IS
28 IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF
29 PROVIDING CARE.

30 (E) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO
31 NEEDS DIABETES CARE AT SCHOOL SHALL SUBMIT A DIABETES MEDICAL
32 MANAGEMENT PLAN TO THE SCHOOL.

1 **(2) EACH STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN**
2 **SHALL BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:**

3 **(I) THE PARENTS OR GUARDIANS OF THE STUDENT;**

4 **(II) THE STUDENT;**

5 **(III) THE SCHOOL NURSE;**

6 **(IV) THE STUDENT'S CLASSROOM TEACHER;**

7 **(V) IF THE PROGRAM HAS BEEN ESTABLISHED AT THE SCHOOL,**
8 **ALL TRAINED DIABETES CARE PROVIDERS AT THE SCHOOL WHO MAY BE REQUIRED**
9 **TO PROVIDE CARE TO THE STUDENT; AND**

10 **(VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE**
11 **SCHOOL.**

12 **(3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING**
13 **SHALL BE HELD WITHIN 30 DAYS AFTER OF THE DIABETES MEDICAL MANAGEMENT**
14 **PLAN IS SUBMITTED.**

15 **(4) IF A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN STATES**
16 **THAT THE STUDENT MAY PERFORM SPECIFIED DIABETES CARE TASKS**
17 **INDEPENDENTLY, THE STUDENT MAY:**

18 **(I) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT**
19 **CONSIDERS NECESSARY, INCLUDING IN THE STUDENT'S CLASSROOM, THE AREA**
20 **DESIGNATED BY THE SCHOOL UNDER SUBSECTION (D) OF THIS SECTION, OR OFF**
21 **SCHOOL GROUNDS;**

22 **(II) POSSESS AND CARRY ANY SUPPLIES AND EQUIPMENT**
23 **NECESSARY TO PERFORM DIABETES CARE TASKS; AND**

24 **(III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE, IF**
25 **NECESSARY.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2015.